

REMARKS

Claims 14-17, 19-24 and 26 stand rejected under 35. U.S.C. §103(a) as being unpatentable over non-patent publication by Hamer titled “Acceptance Testing of Electrical Motors and Generators” (hereinafter Hamer) in view of US patent application publication No. 2003/0210059 (hereinafter Kliman). Claims 18 and 25 stand rejected over as being unpatentable over Hamer in view of Kliman and further in view of US patent No. 6,791,351 (hereinafter Fischer). Reconsideration of the rejections and allowance of all the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 15 and 22 are presently cancelled. Claims 1-13 were previously canceled. Thus, claims 14, 16-21 and 23-26 are presently pending.

A replacement sheet of FIG. 1 is submitted together with this response. This replacement sheet shows the drawing corrections requested in the Office Communication. Accordingly, the objection to the drawings should be withdrawn.

Claim 14 is directed to a laminated core testing device to test a laminated core in a generator. Claim 14 in part recites a high-voltage testing device configured to output a fundamental frequency and a power in single-phase form at an output voltage of at least 400 V that can be regulated. The high-voltage testing device comprises a frequency converter for converting the fundamental frequency to a frequency that is greater than 50 Hz to energize the field winding at the greater frequency value and cause a thermal response indicative of at least one hot spot in the laminated core.

Firstly, neither the present invention nor Hamer is directed to evaluation of core stack pressure as Kliman is. Thus, the Office Communication proposes a combination that makes a prior art reference (Kliman) seemingly inoperable for its intended purpose of evaluating core stack pressure and such a reference would teach away from the proposed combination and consequently it cannot serve as a predicate for a *prima facie* case of obviousness. (Citations omitted) Secondly, applicant respectfully submits that it is error to construe a frequency converter, as set forth in the claimed invention, to the sampling of frequencies performed by Kliman to evaluate core stack pressure. It is respectfully submitted that one skilled in the art would appreciate that a frequency converter is a device that converts alternating current (AC) of one frequency to alternating current of another frequency. Conversely, one skilled in the art

would appreciate that the sampling of frequencies performed by Kliman to evaluate core stack pressure has nothing to do with the operational relationships performed by the frequency converter set forth in the claimed invention for detecting one or more hot spots.

In view of the foregoing remarks, it is respectfully submitted that Hamer and Kliman, singly and in combination, fail to teach or suggest each of the structural and/or operational relationships set forth in claim 14. Consequently, the Hamer/Kliman combination fails to obviate claim 14 under the §103 statutory requirements and this rejection should be withdrawn. Since claims 14, and 16-20 include the structural and/or operational relationships respectively recited in claim 14, it is also respectfully submitted that the Hamer/Kliman combination also fails to render unpatentable such dependent claims.

Claim 21 is directed to a high-voltage testing device for testing a laminated core in a generator. Claim 21 in part recites the high-voltage testing device comprises a frequency converter for converting the fundamental frequency to a frequency that is greater than 50 Hz. A field winding is energized at the greater frequency value to cause a thermal response indicative of at least one hot spot in the laminated core. In view of the foregoing discussion regarding the Hamer/Kliman combination, it is respectfully submitted such a combination also fails to obviate claim 21 (and claims depending there from) under the §103 statutory requirements and these rejections should be withdrawn.

Claim 26 is directed to a method for testing for faults in a stator of a generator. Claim 26 in part recites making available power in a single phase form via a high-voltage testing device at a fundamental frequency and at an output voltage of at least 400 V that can be regulated. The fundamental frequency is converted to a frequency that is greater than 50 Hz and a field winding is energized at the greater frequency value. In view of the foregoing discussion regarding the Hamer/Kliman combination, it is respectfully submitted such a combination similarly fails to obviate claim 26 under the §103 statutory requirements and this rejection should be withdrawn.

With regard to the rejections of claims 18 and 25 under 35 U.S.C. §103(a), Fischer is applied in the combination of references used to reject such claims. Fischer is used as prior art through 35 U.S.C. §102(e) to reject claims under §103(a). However, Fischer should be excluded under the common ownership/assignee exception provided by 35 U.S.C. §103(c). More particularly, the undersigned attorney states that the present application and Fischer were, at the

time the invention was made, wholly owned by the same parent organization, Siemens Aktiengesellschaft. Fischer is assigned on its face to Siemens Westinghouse Power Corporation, which has changed its name to Siemens Power Generation, Inc., which in turn is wholly owned by Siemens Corporation, which in turn is wholly owned by Siemens Aktiengesellschaft. Consequently, Fischer is not believed to be a valid reference under the statute. Accordingly, this basis of rejection should be withdrawn.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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